

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ZINCO-SHERMAN, INC.,	§
	§
Plaintiff,	§
	§
VS.	§ CIVIL ACTION NO. H-06-1081
	§
ADEPT FOOD SOLUTIONS, INC.,	§
also doing business as ADEPT	§
SOLUTIONS, INC. and RUSSELL	§
BIANCHI, an individual,	§
	§
Defendants.	§

ORDER GRANTING PRELIMINARY INJUNCTION

Defendants Adept Food Solutions, Inc. and Russell Bianchi and their agents, representatives, and employees are enjoined from directly or indirectly using or disclosing the formula for REPLACE™ or working with third parties with respect to reduced sugar formulations that use ingredients of REPLACE™.

Defendants Adept Food Solutions, Inc. and Russell Bianchi and their agents, representatives, and employees are enjoined from directly or indirectly contacting any third parties, companies, and/or persons with respect to the product REPLACE™.

Defendants Adept Food Solutions, Inc. and Russell Bianchi and their agents, representatives, and employees are enjoined from directly or indirectly holding themselves out to be representatives of Zinco-Sherman and from informing others that they have any right, title and ownership in REPLACE™ or that they possess any rights whatsoever in the intellectual property and proprietary information of Zinco-Sherman, Inc.

Defendants Adept Food Solutions, Inc. and Russell Bianchi and their agents, representatives, and employees are enjoined from directly or indirectly formulating any reduced sugar formulations that use any of the ingredients of REPLACE™.

Defendants Adept Food Solutions, Inc. and Russell Bianchi are ordered to return all business plans, emails, and letters of interest relating to Zinco-Sherman or the reduced sugar formulation to Zinco-Sherman, Inc. by forwarding the documents to counsel for Zinco-Sherman, Inc. on or before **April 28, 2006**.

A trial on the application for a permanent injunction is set for **June 12, 2006, at 9:00**

a.m.

Zinco-Sherman is ordered to post a ten thousand dollar (\$10,000) bond on or before **April 24, 2006**.

SIGNED on April 21, 2006, at Houston, Texas.



Lee H. Rosenthal
United States District Judge